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US EPA RECORDS CENTER REGION 5



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March 20, 2015

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SFD -MH

Via Federal Express

Margaret Herring, Civil Investigator
US EPA Region 5
Superfund Division
Enforcement and Compliance Assurance Branch (SE-5J)
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: Response to CERCLA 104(e) Request for the South Dayton Dump & Landfill Site

Dear Ms. Herring:

Enclosed herewith please find the response of Day International, Inc. to the CERCLA 104(e) Request dated January 16, 2015 and issued for the South Dayton Dump & Landfill Site in Moraine, Ohio. Please note that the questions in this Request were construed and answered within the guidelines provided by US EPA attorney Thomas Nash in his e-mail dated February 11, 2015, to Jack Van Kley, a copy of which is attached to our response as Exhibit 1. Despite diligent effort, Day International has found no persons, information or documentation linking Day International to the disposal of hazardous substances at the South Dayton site. Any efforts to contact the current and former employees listed in the attached response who participated in the investigation of this matter should be initiated and coordinated through the undersigned counsel.

Should you have any questions or comments concerning the attached response, please feel free to contact me.

Very truly yours,

Theodore J. Esborn, Esq.

Enclosures

cc: Peter Schreck, Day International, Inc.
Thomas Nash, Esq., US EPA

ENCLOSURE 6

SCOPE OF QUESTIONS AND RESPONSES

Day International, Inc. is construing these questions and providing answers within the time and area scope described in US EPA counsel Thomas Nash's e-mail to defense counsel Jack Van Kley, dated February 11, 2015, a copy of which is attached hereto as Exhibit 1. Questions framed in the past tense will be interpreted as asked for the period from 1941 to 1996. Questions will also be interpreted as limited to facilities within 50 miles of the South Dayton Dump and Landfill.

QUESTIONS

1. Identify all persons consulted in the preparation of the answers to these questions.

Peter Schreck Corporate Secretary and Director Day International, Inc. 14909 N. Beck Road Plymouth, MI 48170, USA (734) 781-4610 Peter.Schreck@flintgrp.com	Jeff Adamson Regional Manager - Safety, Health & Environmental 485 Millway Avenue Concord, ON, Canada L4K 3V4 (905) 761-3120 jeff.adamson@flintgrp.com
Dennis Wolters (Retired) Former CEO of Day International (937) 414-6576	Joe Doornbos Site Manager Print Media North America 111 Day Drive Three Rivers, MI 49093 joe.doornbos@flintgrp.com

2. Identify all documents consulted, examined or referred to in the preparation of the answers to these questions, and provide copies of all such documents.

Per Day International's record retention guidelines, any and all such documents for the period in question no longer exist.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons. Provide their current, or last known, address, telephone numbers, and e-mail address.

No such persons have been identified.

4. Provide names, addresses, telephone numbers, and e-mail addresses of any individuals, including former and current employees, who may be knowledgeable about Respondent's

operations and hazardous substances handling, storage and disposal practices.

Christopher Barricklow Director, Regulatory Compliance 14909 N. Beck Road Plymouth, MI 48170, USA (734) 781-4569 chris.barricklow@flintgrp.com	Jeff Adamson Regional Manager - Safety, Health & Environmental 485 Millway Avenue Concord, ON, Canada L4K 3V4 (905) 761-3120 jeff.admson@flintgrp.com
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5. State the date(s) on which the Respondent sent, brought or moved drums and/or hazardous substances to the South Dayton Dump and Landfill (SDDL) Site and the names, addresses, telephone numbers, and e-mail addresses of the person(s) making arrangements for the drums and/or hazardous substances to be sent, brought or moved to the SDDL Site.

Day International, Inc. has no records, information or knowledge that it ever sent, brought or moved drums and/or hazardous substances to the SDDL. Per Day International's record retention guidelines, any such records for the period in question that may have existed no longer exist. Day International, Inc. is a named defendant in the lawsuit *Hobart Corporation, et al., v. The Dayton Power and Light Company, et al.*, Case No. 3:13-cv-0015 in the United States District Court for the Southern District of Ohio, Western Division. In that litigation, another defendant, Bridgestone Americas Tire Operations, LLC has submitted a document in the form of a letter from Mr. Dennis R. Mantel, Vice President of Sales, Industrial Waste Disposal Co., Inc. to Mr. Ralph Ball of Dayton Tire & Rubber, dated May 7, 1980. In that letter, Mr. Mantel provides the name and location of every sanitary landfill utilized by Industrial Waste Disposal in providing waste disposal service for Dayton Tire & Rubber from 1956 until May 7, 1980. The SDDL was not among those landfills listed. Prior to March 28, 1961, the assets of Dayton Tire & Rubber were a division of Dayco, an entity to whom Day International traces the origin of certain of its rubber printing products. On March 28, 1961, Dayco sold its tire division assets to Dayton Tire & Rubber Company, a wholly owned subsidiary of Firestone, incorporated by Firestone on March 28, 1961. Firestone eventually merged with Bridgestone, who provided this letter as part of its Federal Rule 26(a)(1) Initial Disclosure Schedule. A copy of this letter is attached as Exhibit 2.

6. Did Respondent haul or send materials to SDDL in vehicles it owned, leased or operated? If yes, during what time periods did this occur? If no, how did Respondent transport materials to SDDL? Identify the hauler(s) and provide the addresses, telephone numbers, and e-mail addresses of these entities.

Day International, Inc. has no records, knowledge or information that it ever hauled or sent materials to the SDDL. Per Day International's record retention guidelines, any such records for the period in question that may have existed no longer exist.

PERMITS/REGISTRATIONS

7. List all federal, state and local permits and/or registrations and their respective permit numbers issued to Respondent for the transport and/or disposal of materials.

Day International, Inc. has no record of any permits and/or registrations related to materials sent, brought or moved for any facilities within 50 miles of the SDDL. Per Day International's record retention guidelines, any such record for the period in question from 1941 to 1996 that may have existed no longer exists.

8. Which shipments or arrangements were sent under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis or reasons for such difference.

See response to Question 7 above.

9. Were all hazardous substances transported by licensed carriers to hazardous waste Treatment Storage and Disposal Facilities permitted by the U.S. EPA?

See response to Question 7 above.

10. List all federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.

See response to Question 7 above.

11. Does your company or business have a permit or permits issued under Resource Conservation and Recovery Act? Does it have or has it ever had, a permit or permits under the hazardous substance laws of the State of Ohio? Does your company or business have an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification number(s) your company or business has.

See response to Question 2 above. Day International, Inc. has no facilities within 50 miles of the SDDL, and currently has no permits or identification numbers issued under the Resource Conservation and Recovery Act or other state or federal hazardous waste laws for facilities within the geographical scope of this request.

12. Identify whether Respondent ever filed a Notification of Hazardous Waste Activity with the EPA or the corresponding agency or official of the State of Ohio, the date of such filing, the wastes described in such notice, the quantity thereof described in such notice, and the identification number assigned to such facility by EPA or the state agency or official.

See response to Question 11 above.

**RESPONDENT'S DISPOSAL/TREATMENT/STORAGE/RECYCLING/SALE OF
WASTE (INCLUDING BY-PRODUCTS)**

13. Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management. For each individual identified in response to this question provide the current or most recent known address, telephone number and email address.

<p>Christopher Barricklow Director, Regulatory Compliance (2012 – Present) 14909 N. Beck Road Plymouth, MI 48170 (734) 781-4569 chris.barricklow@flintgrp.com</p> <p><u>Duties:</u> Directing regulatory program for activities in the Americas; developing a program for compliance and managing the people and systems that support this program.</p> <p><u>Supervisor:</u> Andreas Tueschen Director of Global Regulatory</p>	<p>Jeff Adamson Regional Manager - Safety, Health & Environmental (January 2013 – Present). 485 Millway Avenue Concord, ON, Canada L4K 3V4 (905) 761-3120 jeff.adamson@flintgrp.com</p> <p><u>Duties:</u> Manage the Health, Safety & Environmental Program for all North America with emphasis on reducing injuries, reducing environmental impact and ensuring compliance to OSHA, EPA and other regulatory agencies.</p> <p><u>Supervisor:</u> Frank Mastria Vice President of Operations of Americas and Global Safety, Health and Environmental</p>
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See response to Questions 2, 5, 7 and 11 above.

14. Describe the containers used to take any type of waste from Respondent's operation, including but not limited to:

a. the type of container (e.g. 55 gal. drum, dumpster, etc.);

See response to Question 2 above. Day International currently has no facilities with 50 miles of the SDDL.

b. the colors of the containers;

See response to Question 14.a. above.

d. any labels or writing on those containers (including the content of those labels);

See response to Question 14.a. above.

e. whether those containers were new or used; and

See response to Question 14.a. above.

f. if those containers were used, a description of the prior use of the containers.

See response to Question 14.a. above.

15. For any type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling. Provide copies of all documents relating to the transportation or disposal of said waste, including correspondence and manifests. Include all correspondence and records of communication between Respondent and Cyril Grillot, Kenneth Grillot, Alcine Grillot, or Horace Boesch, Sr.

See response to Questions 2 and 5 above.

16. Provide copies of such contracts and other documents reflecting such agreements or arrangements.

See response to Questions 2 and 5 above.

a. State where Respondent sent each type of its waste for disposal, treatment, or recycling.

See response to Questions 2 and 5 above.

b. Identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request).

See response to Questions 2 and 5 above.

c. If Respondent transported any of its wastes away from its operations, please so indicate and answer all questions related to "Waste Carriers" with reference to Respondent's actions.

See response to Questions 2 and 5 above.

d. For each type of waste specify which Waste Carrier picked it up.

See response to Questions 2 and 5 above.

e. For each type of waste, state how frequently each Waste Carrier picked up such waste.

See response to Questions 2 and 5 above.

f. For each type of waste state the volume picked up by each Waste Carrier (per week, month, or year).

See response to Questions 2 and 5 above.

g. For each type of waste state the dates (beginning & ending) such waste was picked up by each Waste Carrier.

See response to Questions 2 and 5 above.

h. Provide copies of all documents containing information responsive to the previous seven questions.

See response to Questions 2 and 5 above.

i. Describe the vehicles used by each Waste Carrier to haul away each type of waste including but not limited to:

- i. the type of vehicle (e.g., flatbed truck, tanker truck, containerized dumpster truck, etc.);
- ii. names or markings on the vehicles; and
- iii. the color of such vehicles.

See response to Questions 2 and 5 above.

j. Identify all of each Waste Carrier's employees who collected Respondent's wastes.

See response to Questions 2 and 5 above.

k. Indicate the ultimate disposal/recycling/treatment location for each type of waste.

See response to Questions 2 and 5 above.

l. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste.

See response to Questions 2 and 5 above.

m. Describe how Respondent managed pickups of each waste, including but not

limited to:

- i. the method for inventorying each type of waste;
- ii. the method for requesting each type of waste to be picked up;
- iii. the identity of (see Definitions) the waste carrier employee/agent contacted for pickup of each type of waste;
- iv. the amount paid or the rate paid for the pickup of each type of waste;
- v. the identity of (see Definitions) Respondent's employee who paid the bills; and
- vi. the identity of (see Definitions) the individual (name or title) and company to whom Respondent sent the payment for pickup of each type of waste.

See response to Questions 2 and 5 above.

- n. Identify the individual or organization (i.e., the Respondent, the Waste Carrier, or, if neither, identify such other person) who selected the location where each of the Respondent's wastes were taken.

See response to Questions 2 and 5 above.

- o. State the basis for and provide any documents supporting the answer to the previous question.

See response to Questions 2 and 5 above.

- p. Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:

- i. the nature and chemical composition of each type of waste;
- ii. the dates on which those wastes were disposed;
- iii. the approximate quantity of those wastes disposed by month and year;
- iv. the location to which these wastes drained (e.g. on-site septic system, onsite storage tank, pre- treatment plant, Publicly Owned Treatment Works (POTW), etc.); and
- v. whether and what pretreatment was provided.

See response to Questions 2 and 5 above.

- q. Identify any sewage authority or treatment works to which Respondent's waste was sent.

See response to Questions 2 and 5 above.

- r. If not already provided, specify the dates and circumstances when Respondent's waste was taken to the SDDL Site, and identify the companies or individuals who

brought Respondent's waste to the Site. Provide all documents which support or memorialize your response.

See response to Questions 2 and 5 above.

RESPONDENT'S ENVIRONMENTAL REPORTING:

17. Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.

See response to Questions 2 and 11 above.

18. Identify (see Definitions) all federal offices to which Respondent has sent or filed information about hazardous substance or hazardous waste.

See response to Questions 2 and 11 above.

19. State the years during which such information was sent/filed.

See response to Questions 2 and 11 above.

20. Identify (see Definitions) all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information.

See response to Questions 2 and 11 above.

21. State the years during which such information was sent/filed.

See response to Questions 2 and 11 above.

22. List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.; Solid Waste and Infectious Waste Regulations, OAC 3745-27 (former rule EP-20); Licenses for Solid Waste, Infectious Waste Treatment, or Construction and Demolition Debris Facilities, OAC 3745-37 (former rule EP-33); Solid and Hazardous Wastes, ORC 3734-01 through 3734-11; Open Burning Standards, OAC 3745-19-03.

See response to Questions 2 and 11 above.

23. Identify the federal and state offices to which such information was sent.

See response to Questions 2 and 11 above.

CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature

Date

Print Name

Title

Jeff Adkinson
North American Regional
Manager Safety,
Health & Environment

EXHIBIT 1
TO DAY INTERNATIONAL'S
CERCLA 104(e) RESPONSE

Esborn, Theodore

From: Nash, Thomas <nash.thomas@epa.gov>
Sent: Wednesday, February 11, 2015 11:03 AM
To: Jack Van Kley
Cc: 'James B. Slaughter'; 'Knowlton, Leah J. (Atlanta)'; 'David P. Pierce'; 'SSlack@foley.com'; 'Fry, W. Roger'; 'Robert J. Thumann'; 'Black, Jennifer'; Esborn, Theodore; 'Bill Wick'; 'Campbell, Drew'; Frank Merrill (fmerrill@bricker.com); 'Lewis, Martin'; 'Nes, Brad'; 'Haughey, Stephen N.'; 'Andreasen, John A.'; 'Vicki J. Wright'; 'Harbeck, William H. (MKE x1853)'; 'Rhinehart, Erin E.'
Subject: RE: EPA's Special Notice and CERCLA 104(e) Information Requests for South Dayton Dump & Landfill

Good morning, Jack:

We had a conference call yesterday. All or most of those on your list of attorneys either took part or were represented by a colleague or associate. I'm sorry your schedule did not allow you to join us. The extension EPA is granting for a response and the limitations placed on the information request in the paragraph below will be communicated by EPA to other recipients of the Special Notice letter and the enclosed CERCLA 104(e) information requests.

EPA grants a 30 day extension of the deadlines for response to the Special Notice and the CERCLA 104(e) information request. EPA has decided to grant this extension to all Special Notice recipients in this matter who request such an extension. EPA has agreed with the suggestion of Mr. Jack Van Kley, that it is appropriate to place a chronological limitation on the scope of the questions in the information request. EPA has agreed with Mr. Van Kley's suggestion that the questions be limited to the period 1941-1996. This limitation applies to all respondents to the information request. EPA has also agreed to place a geographical limitation on the scope of the request. The questions in the information request shall be limited to facilities located within 50 miles of the Site. This limitation is also applicable to each company responding to the information request.

Thanks, Tom

From: Jack Van Kley [jvankley@vankleywalker.com]
Sent: Friday, January 30, 2015 4:17 PM
To: Nash, Thomas
Cc: 'James B. Slaughter'; 'Knowlton, Leah J. (Atlanta)'; 'David P. Pierce'; 'SSlack@foley.com'; 'Fry, W. Roger'; 'Robert J. Thumann'; 'Black, Jennifer'; Esborn, Theodore; 'Bill Wick'; 'Campbell, Drew'; Frank Merrill (fmerrill@bricker.com); 'Lewis, Martin'; 'Nes, Brad'; 'Haughey, Stephen N.'; 'Andreasen, John A.'; 'Vicki J. Wright'; 'Harbeck, William H. (MKE x1853)'; 'Rhinehart, Erin E.'
Subject: EPA's 104(e) Requests for South Dayton Landfill

Tom,

Following our conversation earlier this week, I asked the attorneys representing other recipients of EPA's Special Notice Letter for South Dayton Landfill whether they believe that it would be productive to have a group discussion with you by telephone to talk about the invitation to negotiate and information requests in EPA's letter. The attorneys who have indicated an interest in having this discussion with you are listed below, along with the names of the clients they represent:

Bill Wick, Bridgestone
Jack Van Kley, Cargill and Newmark

**Exhibit 1 to Day International's
CERCLA 104(e) Response**

Leah Knowlton, Coca Cola

John Andreason, Conagra Grocery Products Erin Rhinehart, Cox Media Group Ohio Ted Esborn, Day International Drew Campbell/Frank Merrill, Dayton Power & Light David Pierce, Fickert Devco Steve Haughey, Flowserve, Standard Register and Univ. of Dayton Robert Thumann, Franklin Iron & Metal Jennifer Black, Harris Corporation Sarah Slack, Kimberly Clark James Slaughter, Ohio Bell Brad Nes, P-Americas Roger Fry, Peerless Transportation Vicki Wright, Pharmacia Marty Lewis, Valley Asphalt Bill Harbeck, Waste Management of Ohio

I am copying these attorneys on this message, so that you have their email addresses.

Individual recipients of the Special Notice Letter, including some on the foregoing list, might need to discuss issues about the information requests and invitation to negotiate that are specific only to each of those recipients. However, a group discussion to talk about issues common to the listed companies would be more efficient than going over the same issues with every recipient affected by those issues. Consequently, we would appreciate the opportunity to have such a discussion with you.

I appreciated the opportunity to have preliminary discussions about the Special Notice Letter with you. Based on our discussion, I understand that the statement in EPA's letter that "[y]ou are encouraged to contact EPA by January 30, 2015 to indicate your willingness to participate in future negotiations concerning this Site" is not a deadline, since it only "encourages" the letter's recipients to respond by that time, and that EPA will be receptive to such responses for a couple of weeks after January 30. I also understand that, if individual companies need more than another two weeks to respond, they should let you know that they need more time.

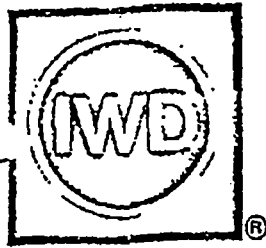
As to the information requests, I understand from our discussion that the respondents are not expected to provide information for time periods other than 1941 to 1996 (when the South Dayton Landfill was open for business) and that the respondents are not required to respond to Request Nos. 16. p. and q. (concerning wastes discharged into drains and sewers).

If I misunderstand EPA's position on any of these points, I would appreciate it if you would let me know. We look forward to working with you on these issues.

Regards, Jack

Jack A. Van Kley
Van Kley & Walker, LLC
132 Northwoods Blvd.
Suite C-1
Columbus, OH 43235
Telephone: (614) 431-8900
Facsimile: (614) 431-8905
E-Mail: jvankley@vankleywalker.com<<mailto:jvankley@vankleywalker.com>>
Website: www.vankleywalker.com<<http://www.vankleywalker.com>>

EXHIBIT 2
TO DAY INTERNATIONAL'S
CERCLA 104(e) RESPONSE



INDUSTRIAL WASTE DISPOSAL CO., INC.
P. O. BOX 1453 3975 WAGNER FORD ROAD • DAYTON, OHIO 45414
PHONE 513 278-0821

May 7, 1980

Dayton Tire & Rubber
P.O. Box 96
2342 Riverside Drive
Dayton, Ohio 45407

Attn: Mr. Ralph Ball

Dear Mr. Ball:

The purpose of this letter is to trace the history of your waste disposal by listing in chronological order the sanitary landfills IWD has utilized for the disposal of your waste since 1956.

- (A) From 1956 to 1960, your waste material was dumped at the Roger Groves Landfill located on River Road, Dayton, Ohio.
- (B) For the period from 1960 to 1966, your waste was taken to both the above Groves Landfill and Sanitary Landfill, Inc. (a subsidiary of IWD) located on Dorothy Lane.
- (C) From 1966 to 1971, we used North Sanitary Landfill, Inc. (a subsidiary of IWD) located on the east side of Valleycrest Drive.
- (D) From 1971 to 1976, two sites were used; North Sanitary Landfill, Inc. (a subsidiary of IWD) located on the west side of Valleycrest Drive, and Sanitary Landfill, Inc. (a subsidiary of IWD) located on Cardington Road.
- (E) From 1976 to 1979, only Sanitary Landfill, Inc. on Cardington Road was utilized.
- (F) Effective in October 1979 to the present, your waste has been dumped at North Sanitary Landfill Inc. (a subsidiary of IWD) located on Pinnacle Road.

All of the above disposal sites either were or are properly licensed by all local, state, and federal regulatory agency requirements in existence at their respective times of operations.

100936

INDUSTRIAL WASTE DISPOSAL CO., INC.

Dayton Tire & Rubber
Mr. Ralph Ball
May 7, 1980
Page -2-

As soon as possible, IWD would like to be informed of a definite timetable for us to begin removing our waste removal equipment from your plant. In addition, we are interested in purchasing the one stationary compactor owned by DT&R which is used for corrugated recycling. We are also interested in purchasing your tire shredder.

Please do not hesitate to call with any questions or problems.

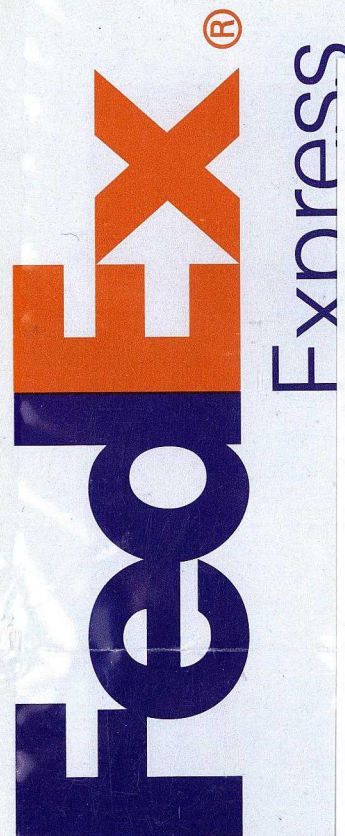
Sincerely yours,

Dennis R. Mantel

Dennis R. Mantel
Vice President of Sales

DRM;kb

100937



From: (216) 348-5820
KATHLEEN VAGI

Origin ID: BKLA

FedEx
Express



J151215022303uv

MCDONALD HOPKINS LLC
600 SUPERIOR AVE. E, #2100
CLEVELAND, OH 44114

SHIP TO: (216) 348-5820
Margaret Herring
US EPA Region 5
Enforcement and Compliance SE-5J
77 West Jackson Boulevard
CHICAGO, IL 60604

BILL SENDER

Ship Date: 20MAR15
ActWgt: 1.0 LB
CAD: 2906713/INET3610

Delivery Address Bar Code



Ref # 37906-2
Invoice #
PO #
Dept #

MON - 23 MAR 10:30A
PRIORITY OVERNIGHT

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